

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DUSTY L. BARTLETT,  
  
Defendant.

NO. 3:11-cr-05470BHS

**UNITED STATES' SUPERVISED  
RELEASE SENTENCING  
MEMORANDUM**

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Michael Dion, Assistant United States Attorney, files this memorandum regarding the December 16, 2020, supervised release revocation hearing for Dusty L. Bartlett. Mr. Bartlett is expected to admit to violations 1 (failing to reside at, and participate in, the RRC, on or before September 9, 2020), 2 (failing to live at a place approved by the probation officer on or about October 29, 2020), and 3 (interacting with a person engaged in criminal activity or convicted of a felony on or about October 29, 2020). The United States moves to dismiss violation 4 (possessing a dangerous weapon on or about October 29, 2020). The United States recommends eight months of imprisonment with no supervision to follow.

The United States also asks that the Court put the following matters on the record:

**BARTLETT/3:11-cr-05470BHS  
UNITED STATES' SUPERVISED RELEASE  
SENTENCING MEMORANDUM - 1**

UNITED STATES ATTORNEY  
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1. Findings required by CARES Act § 15002(b)(2)(A):

a. Because of the coronavirus crisis, the recommendations of the Centers for Disease Control and the state and local health departments for social distancing and other measures to stop its spread, an in-person hearing cannot take place without jeopardizing the health of all participants and the public.

b. Based on the nature of the violations, and the likely sentence, that this proceeding must be held to by telephone because further delay would result in serious harm to the interests of justice.

2. Confirm that the defendant understands the following and agrees to waive the right to hearing in open court and consents to proceedings by telephone:

a. The right to be present in open court for the hearing

b. The Centers for Disease Control and the Washington Health Department recommend against gatherings of ten or more individuals and advise social distancing measures to prevent the spread of COVID-19.

c. To address these measures, the Chief Judge of the District has issued a General Order restricting in-person hearings in order to protect, to the greatest extent possible, all participants in the criminal justice system including the defendant.

d. The defendant agrees that this hearing cannot be further delayed without serious harm to the interests of justice.

e. The defendant understands that videoconferencing is not reasonably available for this hearing.

f. The defendant has discussed this situation and the available options with his counsel and agrees to waive the right to appear in open court, consents to a telephonic hearing, and acknowledges that proceeding in this manner best protects his/her due process rights.

g. Counsel joins in consenting to this procedure and joins in the conclusion that the hearing cannot be delayed further.

